

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **RONALD B. JOSEPH, M.D.**

4 Holder of License No. **8699**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-07-0586A

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**
(Letter of Reprimand)

7 The Arizona Medical Board ("Board") considered this matter at its public meeting on April
8 2, 2008. Ronald B. Joseph, M.D., ("Respondent") appeared with legal counsel, Jeffrey Pyburn,
9 before the Board for a formal interview pursuant to the authority vested in the Board by A.R.S. §
10 32-1451(H). The Board voted to issue the following Findings of Fact, Conclusions of Law and
11 Order after due consideration of the facts and law applicable to this matter.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the
14 practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of License No. 8699 for the practice of allopathic
16 medicine in the State of Arizona.

17 3. The Board initiated case number MD-07-0586A after receiving a complaint
18 regarding Respondent's care and treatment of a fifty-five year-old female patient ("LP"). LP
19 sustained a shoulder fracture on June 25, 2002 from a fall at work. She was operated on by
20 another physician and she developed a postoperative infection. LP had a deep debridement on
21 August 10, 2002 with cultures positive for MRSA infection.

22 4. Respondent evaluated LP on September 24, 2002 and noted that LP's shoulder
23 was swollen and erythematous and that the x-rays demonstrated non-union of the left humerus.
24 Respondent's impression was that LP had a postoperative infection and that she would require
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1 shoulder-humeral hemiarthroplasty (surgery). On April 3, 2003, Respondent performed a left
2 shoulder prosthesis, rotator cuff reconstruction, release of a capsular contracture and
3 reconstruction, neurolysis of the axillary and musculocutaneous nerves and biceps tendon
4 transplantation.

5 5. After the surgery, LP developed a recurrent infection in her shoulder that was
6 inadequately treated and required debridement and subsequent surgeries. Although LP's
7 shoulder was infected, Respondent chose not to remove the prosthesis.

8 6. The standard of care requires a physician to advise the patient of the risks of
9 recurrent infection and perform a thorough preoperative evaluation if surgical intervention is
10 attempted to appreciate the status of the infection and antibiotic coverage.

11 7. The standard of care for a recurrence of infection after prosthetic implantation
12 requires a physician to remove the prosthesis and implement antibiotic spacer implantation and
13 IV antibiotic administration for six to eight weeks until the operative site is sterile.

14 8. Respondent deviated from the standard of care by a prosthetic arthroplasty
15 implant into a recently infected shoulder joint. Respondent failed to attempt other conservative
16 measures to attain union, such as a bone stimulator.

17 9. Respondent deviated from the standard of care by failing to adequately treat a
18 recurrent infection with debridement and antibiotics and by leaving the prosthesis in place.

19 10. LP suffered harm in that she experienced recurrent infection, four subsequent
20 surgeries, two debridements, removal of the prosthesis, drainage of a hematoma, and will require
21 further surgery for definitive treatment of the shoulder.

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1 **CONCLUSIONS OF LAW**

2 1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof
3 and over Respondent.

4 2. The Board has received substantial evidence supporting the Findings of Fact
5 described above and said findings constitute unprofessional conduct or other grounds for the
6 Board to take disciplinary action.

7 3. The conduct and circumstances described above constitutes unprofessional
8 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice which is or might be
9 harmful or dangerous to the health of the patient or the public") and A.R.S. sec. 32-1401(27)(ll)
10 ("[c]onduct that the board determines is gross negligence, repeated negligence or negligence
11 resulting in harm to or the death of a patient").

12 **ORDER**

13 Based upon the foregoing Findings of Fact and Conclusions of Law

14 IT IS HEREBY ORDERED:

15 Respondent is issued a Letter of Reprimand for placing a prosthetic arthroplasty implant
16 into a recently infected shoulder and failing to properly treat a recurrently infected shoulder
17 prosthesis.

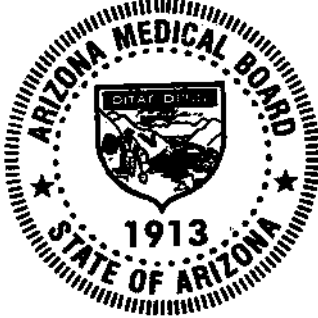
18 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

19 Respondent is hereby notified that he has the right to petition for a rehearing or review.
20 The petition for rehearing or review must be filed with the Board's Executive Director within thirty
21 (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review
22 must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103.
23 Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a
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1 petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35)
2 days after it is mailed to Respondent.

3 Respondent is further notified that the filing of a motion for rehearing or review is required
4 to preserve any rights of appeal to the Superior Court.

5 DATED this 5th day of August, 2008.



6 THE ARIZONA MEDICAL BOARD

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8 By [Signature]
9 LISA S. WYNN
Executive Director

10 ORIGINAL of the foregoing filed this
11 5th day of August, 2008 with:

12 Arizona Medical Board
13 9545 East Doubletree Ranch Road
14 Scottsdale, Arizona 85258

15 Executed copy of the foregoing
16 mailed by U.S. Mail this
17 5th day of August, 2008, to:

18 Jeffrey T. Pyburn, Esq.
19 GALLAGHER & KENNEDY, P.A.
20 2575 E. Camelback Road
21 Phoenix, Arizona 85016-9225

22 Ronald B. Joseph, M.D.
23 Address of Record
24
25 [Signature]